

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-10 are currently pending. Claims 1-3 are allowed and claims 4-10 are rejected in the Office Action mailed on July 9, 2008.

Initially it should be noted that the title of the present application was incorrectly recorded. As filed, the title read in part, "FOR THERMAL RECORDING ARTICLE AND THERMAL RECORDING ARTICLE." Emphasis added. The "AND" in the title was incorrectly recorded as "AN". Appropriate correction is requested.

Applicants' attorney would like to thank the Examiner for determining that patentable subject matter is contained in claims 1-3.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 4-10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Applicants' statement of prior art. The rejection is traversed for at least the following reasons.

In rejecting claims 4-10, the Office Action cites page 50 of the Specification as originally filed. Specifically, the Examiner refers to the first paragraph, beginning at line 3, which recites, in part, "the heat-sensitive recording materials of the present invention are in no way inferior to

the conventional heat-sensitive recording materials” and takes that recitation to infer that the presently claimed materials are the same as the prior art.

However, the Examiner has failed to appreciate that the cited portion of the instant Specification is referring to the test results presented in Table 6 which compared only the initial value, humidity resistance, and heat resistance of the heat-sensitive recording material prepared according to the instantly claimed method with the same properties of heat-sensitive recording materials prepared according to the prior art methods. The cited portion of the instant Specification in no way acknowledges the claimed sensitizer dispersion is the same as those known in the art.

The instantly claimed sensitizer dispersion has the surprising feature that the dispersion, even having an average particle size of about 1.0 to 2.0 μm , is “easily re-dispersed for use after long-term storage.” *Instant application*, page 12, lines 7-11. This desirable feature “is brought about for the first time by the method of the present invention, and considered attributable to the formation of the particles in a spherical shape.” *Id.*, lines 12-15. Extensive study indicated that the presently claimed sensitizer dispersion exhibited excellent fluidity and re-dispersibility, even when stored for a long time. *Id.*, page 3, lines 11-16. Accordingly, sensitizer dispersion as claimed is formed of spherical particles which allow easy dispersion after long-term storage. Easy dispersion following long term storage is a desirable feature because it at least saves significantly on power consumption and time for dissociation and can be used to prepare a coating solution in a short period of time.

In contrast, the dispersion of the prior art, when stored for a long period, “is sedimented in a lower layer, and the sediment is firmly set” making the material difficult for redispersion.” *Id.*, page 2, lines 3-7. “[W]hen the sediment is dissociated and re-dispersed prior to use, there is

a problem of lack of shelf stability making considerable power and time necessary” to disperse the particles. *Id.*, page 11, line 15 – page 12, line 5.

Accordingly, the instantly claimed sensitizers possess desirable characteristics not previously found in the art. These unique characteristics allow, at least, the storage of the heat-sensitive materials for long periods of time without affecting the ability of the materials to be easily dispersed. This is attributable to the spherical shape of the particles produced according to the instantly claimed method. Therefore, the instantly claimed sensitizer dispersion is not the same as those found in the prior art as asserted in the Office Action, and the instantly claimed sensitizer dispersion is patentable over the prior art.

CONCLUSION

In view of the foregoing, it is believed that the present application is in condition for allowance. Accordingly, Applicants' attorneys respectfully request that a timely Notice of Allowance be issued in this case.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 

Ronald R. Santucci
Reg. No. 28,988

Telephone: (212) 588-0800
Facsimile: (212) 588-0500